

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

EDWIN DEE DENNIS, JR.,)
Plaintiff,)
v.) **Civil Action No. 3:05-cv-653-WHA-SRW**
LEE COUNTY JAIL)
ADMINISTRATION, et al.,)
Defendants.)

ANSWER

COME NOW the Defendant designated by Plaintiff as "Lee County Jail Administrations," Major Cary Torbert, Jr., James Eason, Mental Health Officer, and Sergeant Tommy Threat, Defendants in the above-styled cause and answers the Plaintiff's Complaint as follows:

Answer

The Defendants in this action deny each and every allegation made by the Plaintiff, Edwin Dee Dennis, Jr., and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.

3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

4. The Defendants in this matter, in their official capacities, are not liable under § 1983 because they are not "persons" under 42 U.S.C. § 1983.

5. The Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants' direct participation in any alleged constitutional violation.

6. The Plaintiff cannot prove a violation of his rights under the United States Constitution.

7. Defendants are not liable based upon a *respondeat superior* theory of liability.

8. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

Respectfully submitted this 23rd day of September, 2005.

s/Kelly Gallops Davidson
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CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of September, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Edwin Dee Dennis, Jr.
Lee County Detention Center
P.O. Box 2407
Opelika, AL 36803

s/Kelly Gallops Davidson
OF COUNSEL